

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**August 7, 2020**  
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:00 a.m. The meeting was held by video conference in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Chair Nathan Sosa, Commissioners Dave Fiskum and Charles Starr were present. Commissioners participating by video conference were Dan Mason, Sean O'Day, Richard Burke, and Amber Hollister. OGEC Counsel Amy Alpaugh and Special Counsel Emily Matasar also joined by video conference. Commissioners Karly Edwards and Anna Sortun were excused. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon by video, Trainer Monica Walker, and Trainer Becky Maison.

AGENDA ITEM 1, Comments from the Chair.

AGENDA ITEM 2, Approval of minutes of the June 26, 2020 Commission meeting. The minutes were approved without correction.

**CONSENT CALENDAR**

Burke moved for the approval of Consent Calendar items 3-8 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, David Vant Hof, Q2 2020, Letter of Education

AGENDA ITEM 4, Priscilla Macy, Q2 2020, Letter of Education

AGENDA ITEM 5, Chad Davis, Q2 2020, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, Greenhill Reload LLC, Q2 2020, Letter of Education

AGENDA ITEM 7, Oregon Estheticians for Fair Licensing, Q2 2020, Letter of Education

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## SEI Penalty Correspondence

### AGENDA ITEM 8, Glen Tipton, 2020 SEI, Letter of Education

Group voice vote was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

### End of Consent Calendar

**The Commission convened into executive session at 9:15 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), and ORS 192.685(1).**

## **EXECUTIVE SESSION CONSENT CALENDAR**

### Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

### End of Executive Session Consent Calendar.

## OTHER ITEMS

### Reports of Preliminary Reviews (removed from consent calendar)

(File 1)

AGENDA ITEM 46, 20-151XLC, Honorable Angela Franco Lucero, Chair

AGENDA ITEM 47, 20-152XLC, Joanna Perini-Abbott, Member

AGENDA ITEM 48, 20-153XLC, Lissa Kaufman, Member

AGENDA ITEM 49, 20-154XLC, Caroline Wong, Member

AGENDA ITEM 50, 20-155XLC, Todd Bofferding, Member

AGENDA ITEM 51, 20-156XLC, Stephanie Tuttle, Member

AGENDA ITEM 52, 20-157XLC, Cassandra McLeod-Skinner, Member

AGENDA ITEM 53, 20-158XLC, Honorable Kelly Skye, Member

AGENDA ITEM 54, 20-159XLC, Misha Isaak, Member

AGENDA ITEM 55, 20-160XLC, Kendra Matthews, Member

AGENDA ITEM 56, 20-161XLC, Michael Slauson, Member

AGENDA ITEM 57, 20-162XLC, Ernest Warren, Member

AGENDA ITEM 58, 20-163XLC, Randall Green, Member

AGENDA ITEM 59, 20-164XLC, Richard Kolbell, Member

Oregon State Bar Board of Bar Examiners

Special Counsel Emily Matasar for OGEC joined by video conference. Hollister declared a Conflict of Interest and abstained. Sosa declared a Potential Conflict of Interest.

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Christon summarized the cases. Lucero and Isaak joined by video conference and addressed the Commission. The Commission discussed the matter and Counsel Matasar commented. O'Day moved that the Commission find that there is a substantial, objective basis for believing that Lucero, Perini-Abbott, Kaufman, Wong, Bofferding, Tuttle, McLeod-Skinner, Skye, Isaak, Matthews, Slauson, Warren, Green, and Kolbell may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, abstained; O'Day, aye; Burke, aye; Sosa, aye. Motion passed 6 – 0 with 1 abstention.

(File 2)

AGENDA ITEM 34, 20-114ESM, Raymond Doherty, City Councilor, City of Pilot Rock. Myers summarized the matter. Doherty addressed the Commission by video conference. The Commission briefly discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Raymond Doherty may have violated ORS 244.120 and 244.040 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 35, 20-125ELC, Reed Campbell, District Manager, Oregon Water Wonderland Unit II Sanitary District. Christon summarized the case. Campbell addressed the Commission by video conference. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 36, 20-127ELC, John Gambee, City Councilor, Junction City. Christon summarized the matter. Gambee addressed the Commission by video conference. The Commission briefly discussed the case. Burke moved that the Commission find that there is a substantial, objective basis for believing John Gambee may have violated ORS 244.040(1) and 244.120(2) and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

**Commission recessed at 10:30 a.m. and reconvened into Executive Session at 10:35 a.m.**

AGENDA ITEM 38, 20-130XDG, Shelly Nealon, Director of the Board, Marion County School District 4J (Silver Falls SD). Gould summarized the matter. Nealon addressed the Commission by video conference. The Commission briefly discussed the case. O'Day moved that the Commission find that there is a substantial, objective basis for believing Shelly Nealon may have violated ORS 192.660 and that the Commission should

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investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 37, 20-129XDG, Tom Buchholz, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Tom Buchholz may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 39, 20-131XDG, Ervin Stadeli, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Ervin Stadeli may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 40, 20-132XDG, Jennifer Traeger, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Jennifer Traeger may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 41, 20-133XDG, Jonathan Edmonds, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Jonathan Edmonds may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 42, 20-134XDG, Ronald Valoff, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Ronald Valoff may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 43, 20-135XDG, Timothy Roth, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Timothy Roth may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows:

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Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 44, 20-136XDG, Todd White, Director of the Board, Marion County School District 4J (Silver Falls SD). Fiskum moved that the Commission find that there is a substantial, objective basis for believing Todd White may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 45, 20-137ESM, Angie Wacker, Coach, Oregon City High School Equestrian Team. Myers summarized the matter. Wacker addressed the Commission by video conference. The Commission discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Angie Wacker may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 60, 20-165SSM, Selma Pierce, Candidate. Myers summarized the matter. Pierce addressed the Commission by video conference. The Commission briefly discussed the matter. Burke moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, nay; Burke, aye; Sosa, aye. Motion passed 6 – 1.

AGENDA ITEM 33, 20-110ELC, Sandra Spelliscy, City Manager, City of Talent/former Executive Director, Talent Urban Renewal Agency. Christon summarized the matter. Spelliscy did not address the Commission. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

#### Own Motion Preliminary Reviews

None.

#### Other Items

(non-action informational only items)

None.

**Commission reconvened into Regular Session.**

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## SEI Penalty Correspondence

(File 3)

AGENDA ITEM 9, Celeste Tate, 2017 SEI, \$60; 2019 SEI, \$90; 2020 SEI, \$1,610. Bersin summarized the matter. Fiskum moved approval of the recommendation of Letter of Education for 2017; \$50 for 2019; and \$350 for 2020. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 10, David Hansen, 2018 SEI, \$30; 2020 SEI, \$1,610. Bersin summarized and the Commission generally discussed the matter. Fiskum moved that the Commission issue a Letter of Education for the late filings of 2018 and 2020 SEIs. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 11, Chloe Eudaly, 2020 SEI, \$150. 2017 SEI, \$30 paid by check. Bersin summarized the matter. Fiskum moved approval of the recommendation of \$50 for the late filing of 2020 SEI. The Commission discussed the matter. Fiskum withdrew his motion. Mason moved that the Commission maintain the \$150 late filing penalty without reduction. The Commission continued discussion. Roll call taken as follows: Fiskum, nay; Starr, nay; Mason, aye; Hollister, nay; O'Day, nay; Burke, nay; Sosa, nay. Motion failed 6 – 1. Fiskum moved approval of the recommendation of \$50 for the late filing of the 2020 SEI. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

## STIPULATED FINAL ORDERS

AGENDA ITEM 12, 20-032ELC, Christine John, Teacher, Scenic Middle School, Jackson County SD #6. Christon summarized the matter. John did not address the Commission. Starr moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call taken as follows: Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 13, 20-073ESM, Brian Rake, Mayor, City of Carlton. Myers summarized the matter. Rake did not address the Commission. O'Day declared a Conflict of Interest: previous association. Fiskum moved that the Commission accept the proposed Stipulated Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, abstained; Burke, aye; Sosa, aye. Motion passed 6 – 1 with 1 abstention.

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## DEFAULT FINAL ORDERS

AGENDA ITEM 14, 20-108FDG, Patrick Jensen, Planning Commissioner, City of Amity. Gould summarized the matter. Jensen did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 15, 20-109FDG, John Mims, City Councilor, City of Hines. Gould summarized the matter. Mims did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 19, 20-143FDG, Brian Hodson, Mayor and City Council member, City of Canby. Gould summarized the matter. Hodson addressed the Commission by video conference. Burke moved that the Commission sanction \$720 for the late filing of the 2017 SEI and \$30 for the late filing 2018 SEI. The Commission continued discussion and Burke amended his motion to \$400 for 2017 SEI and \$30 for 2018 SEI as the sanction for the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 16, 20-111FDG, Elaine Baucom, Planning Commissioner, City of Tillamook. Gould summarized the matter. Baucom did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 17, 20-141FDG, removed from agenda prior to the meeting.

AGENDA ITEM 18, 20-142FDG, removed from agenda prior to the meeting.

AGENDA ITEM 20, 20-144FDG, Jessica Aldrich, City Councilor, City of Weston. Gould summarized the matter. Aldrich did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 21, 20-147FDG, Jodi Hafer, City Councilor, City of Summerville. Gould summarized the matter. Hafer did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

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## REPORTS OF INVESTIGATIONS

AGENDA ITEM 22, 19-284XSM, Brett Webb, President,

AGENDA ITEM 23, 19-285XSM, David Bassett

AGENDA ITEM 24, 19-286XSM, Tom Calvanese

AGENDA ITEM 25, 19-287XSM, Leila Thompson

AGENDA ITEM 26, 19-288XSM, Aaron Ashdown

Board of Commissioners, Port of Port Orford. Myers summarized the cases as one. Respondents did not address the Commission. The Commission discussed the matter.

Item # 22: Fiskum moved that the Commission find that there is sufficient evidence to find violations of ORS Chapter 192.660 by Brett Webb, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item # 23: Fiskum moved that the Commission find that there is sufficient evidence to find violations of ORS Chapter 192.660 by David Bassett, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item # 24: Fiskum moved that the Commission find that there is sufficient evidence to find violations of ORS Chapter 192.660 by Tom Calvanese, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item # 25: Fiskum moved that the Commission find that there is sufficient evidence to find violations of ORS Chapter 192.660 by Leila Thompson, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item # 26: Fiskum moved that the Commission find that there is sufficient evidence to find violations of ORS Chapter 192.660 by Aaron Ashdown, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Hollister, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

## ADVISORY OPINIONS

None.

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## **CORRESPONDENCE RECEIVED/RESPONSES**

The Commission reviewed the following without comment unless otherwise noted:

### **Staff Opinions**

(non-action, informational only items)

None.

### **Staff Advice**

(non-action, information only items)

AGENDA ITEM 27, 20-149I, Michelle Morrison, staff, Hillsboro School District re application of Oregon Government Ethics law to discounts offered to school staff by the Hillsboro School District and community partners.

AGENDA ITEM 28, 20-167I, Peter O. Watts, PC, re application of Oregon Government Ethics Law to the City of Gearhart offering the City Council workers compensation insurance.

AGENDA ITEM 29, 20-173I, Jennifer Williamson, former legislator, re application of Oregon Government Ethics law to the issue of lobbying by a former member of the Legislative Assembly.

AGENDA ITEM 30, 20-180I, Jennifer Cuellar, Finance Director, City of McMinnville re application of Oregon Government Ethics law to supervision of a relative.

### **Other Correspondence**

(non-action, informational only items)

None.

## **MISCELLANEOUS ITEMS**

AGENDA ITEM 31, Trainer's Report. Walker summarized training efforts and changes to virtual training platforms.

AGENDA ITEM 32, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update: Surplus projected; no deficit anticipated.
- 21-23 Status Budget process; Agency Request Budget submitted on time.
- SEI: Few non-filers. Staff continues to contact.
- Secretary of State's audit field work continues.
- Outside Counsel consulted for the DOJ Conflict Cases, agenda items 46 – 59.

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- Covid prevention measures taken in office: masks and temperature scans.
- Status of Legislative Concepts reviewed.
- Q2 2020 Lobby & Client filing status reviewed.

**Chair Sosa adjourned the meeting at 1:25 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, September 18, 2020, at 9:00 a.m. The meeting will be held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, in Salem, Oregon, and will be conducted via video conference.**

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